

05-03-02

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20231 on May 2, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Glenn Starkey

Serial No.: 09/885,336

Attorney Docket No.: 26814/92189

Filing Date: June 19, 2001

Title: DRY, LUBRICATED EJECTOR PINS

Examiner:

Art Unit:

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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.98, Applicant is not aware of any material prior art, but in an abundance of caution and candor, Applicant submits the present Information Disclosure Statement along with the information listed on the attached Form PTO-1449. A copy of each of the listed references is included herewith. This Information Disclosure Statement and the enclosures constitute a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

This case is a continuation of U.S. Ser. No. 09/186,451, filed November 5, 1998, which is a continuation of U.S. Ser. No. 08/678,172 filed July 11, 1996, which is a continuation of U.S. Ser. No. 08/265,042 filed June 23, 1994 (the '042 application). U.S. patent no. 5,644,833 issued to applicant also claims the benefit of the June 23, 1994 filing date of the '042 application. As such, applicant asserts that the '833 patent does not constitute prior art to any of the claims having adequate support in the '042 application.

In accordance with 37 CFR §1.97(b) this Information Disclosure Statement is being filed before the mailing of a first office action on the merits.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 CFR §1.97(g)) or as an admission that the

information cited herein is or is considered to be, material to patentability as defined in 37 CFR §1.56(b)(37 CFR §1.97(h)).

In addition, a lawsuit was filed by Applicant against PCS Company ("PCS") in 2001 alleging infringement of related U.S. Patent No. 5,644,833. That case has since been dismissed due to settlement by the parties. However, in the course of the negotiations between the parties, the two enclosed sets of documents were presented by PCS to the Assignee of the present case. Although it is not believed that these documents are not particularly relevant to the now pending claims, they are put forth here in compliance with Applicant's good faith duty of candor and good faith.

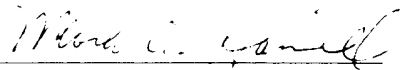
The first set of documents is a March 1, 2001 letter from PCS's counsel asserting that the '833 patent was invalid and providing certain attachments in support of those arguments including a Declaration from Blaine A. Wagner. The second set of documents includes a February 6, 2001 letter from PCS's counsel again asserting that the '833 patent is invalid and forwarding a letter from the Ford Corporation regarding Chrome Impregnation by the Armoloy Process. The redacted portions of the letter are directed to other issues relevant to the suit and do not involve the alleged prior art to the '833 patent or any assertion of invalidity. Applicant does not believe either letter or its attached materials establish the invalidity of the '833 patent, but they are included herein, in an abundance of caution, to ensure full compliance with Applicant's duty of candor and good faith.

Also attached is an advertisement from Bales Mold Service Inc. The advertisement reveals that beginning in 1997, Bales has been using nickel as plating for plastic injection mold components. The advertisement does not disclose that nickel has been used in the thickness ranges set forth in the claims for coating injector pins as required by the pending claims. Also, to the extent the Bales' coating was used on ejector pins, it is believed that the pins were coated prior to being cut to a specified length, rather than being pre-coated prior to cutting or deburring as required by the pending claims. Applicant therefore believes that the Bales advertisement is no more relevant than the prior art before the Examiner in the parent case.

The person making this Statement is the attorney who signs below on the basis of the information in the attorney's file and as provided by Applicant and his representatives.

Respectfully submitted,

BARNES & THORNBURG

A handwritten signature in cursive script, appearing to read "Mark A. Hamill", written over a horizontal line.

Mark A. Hamill

Attorney Registration No. 37,145

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